

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:04CR144-P-D

ROBERT WILLIE LEE, JR.,

DEFENDANT.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant Robert Willie Lee, Jr.'s Motion for Continuance [20-1]. Upon consideration of the motion, the court finds as follows, to-wit:

The motion is well-taken and should be granted.

Trial is currently set for June 27, 2005. Defense counsel avers that due to another previously scheduled trial and a serious illness in the family, counsel needs additional time in which to investigate and evaluate the discovery material received from the government, meet with the defendant, and prepare any necessary pretrial motions. The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from June 27, 2005 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant Robert Willie Lee, Jr.'s Motion for Continuance [20-1] is hereby

GRANTED;

- (2) Trial of this matter is continued until Monday, August 8, 2005 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;
- (3) The delay from June 27, 2005 to August 8, 2005 is excluded as set out above;
- (4) The deadline for filing pretrial motions is July 18, 2005; and
- (5) The deadline for submitting a plea agreement is July 25, 2005.

SO ORDERED, this 20th day of June, A.D., 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE